

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SARAH PALIN,	:	No. 17 Civ. 4853
	:	
Plaintiff,	:	
	:	
	:	Hon. Jed S. Rakoff
	:	
-against-	:	
	:	
	:	ECF Case
	:	
THE NEW YORK TIMES COMPANY,	:	
	:	
	:	
Defendant.	:	
	:	
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**DECLARATION OF JAY WARD BROWN, ESQ.  
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE COMPLAINT**

Under penalty of perjury, I, Jay Ward Brown, hereby declare as follows:

1. I am a partner in the firm Levine Sullivan Koch & Schulz, LLP, and am counsel of record for defendant in the above-captioned matter. I submit this declaration in support of defendant's motion to dismiss the complaint to place before the Court certain documents of which it may take judicial notice. The facts stated below are true of my own personal knowledge and, if called to testify, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of SarahPAC's 2009 Statement of Formation Amended as filed with and retrieved from the website of the Federal Election Commission at <http://docquery.fec.gov/pdf/077/29030031077/29030031077.pdf> (last visited July 13, 2017).

3. Attached hereto as Exhibit B is a true and correct copy of the correspondence from the Federal Election Commission to SarahPAC confirming SarahPAC's termination as of

December 31, 2016, as filed with and retrieved from the website of the Federal Election Commission at

<http://docquery.fec.gov/pdf/462/201701310300076462/201701310300076462.pdf> (last visited on July 13, 2017).

4. Attached hereto as Exhibit C is a true and correct copy of the lead news article by John Berman, titled “Sarah Palin’s ‘Crosshairs’ Ad Dominates Gabrielle Giffords Debate,” and an accompanying news article by Byron Wolf displayed immediately after the lead news article, titled “Lawmakers on Edge, Reassessing Security, After Gabrielle Giffords Shooting,” to which the Internet browser of a reader of the June 14, 2017 Editorial who clicked on the hyperlink embedded in the word “circulated” was directed, which can be found at

<http://abcnews.go.com/Politics/sarah-palins-crosshairs-ad-focus-gabrielle-giffords-debate/story?id=12576437> (last visited July 13, 2017). Because of the volume of such materials, I have omitted from this exhibit the related and linked articles, comments and advertisements that a reader also could have accessed from or in association with the two news articles reproduced in this exhibit.

5. Attached hereto as Exhibit D is a true and correct copy of a .jpg file (referred to in the motion papers as the “Crosshairs Map”) as found at <https://www.facebook.com/notes/sarah-palin/dont-get-demoralized-get-organized-take-back-the-20/373854973434> (last visited July 13, 2017). The ABC article attached hereto as Exhibit C linked to a now-inoperable photobucket webpage, [http://media.photobucket.com/image/take%20back%20the%2020%20abc/josh\\_paintor/sarahpac-20-300.jpg](http://media.photobucket.com/image/take%20back%20the%2020%20abc/josh_paintor/sarahpac-20-300.jpg), however the Facebook page referenced in the ABC article is still live, with the image of the Crosshairs Map included.

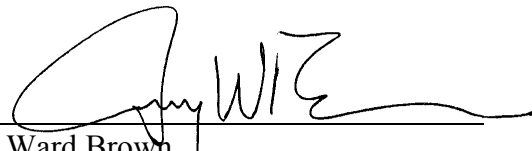
6. Attached hereto as Exhibit E is a true and correct copy of the relevant excerpts from the transcript of the Conference held in this action on July 7, 2017.

7. Attached hereto as Exhibit F is a true and correct copy of Plaintiff's First Request for Production of Documents to Defendant The New York Times Company as served on defendant in this action.

8. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's First Set of Interrogatories to Defendant The New York Times Company as served on defendant in this action.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct.

DATED: July 14, 2017

  
Jay Ward Brown